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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,106	08/10/2001	Brian Coleman	80301-1850	3879
24504	7590	01/22/2004	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			PRICE, CARL D	
		ART UNIT	PAPER NUMBER	
		3749		
DATE MAILED: 01/22/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

f2

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/927,106	COLEMAN ET AL.
	<b>Examiner</b> CARL D. PRICE	<b>Art Unit</b> 3749

All participants (applicant, applicant's representative, PTO personnel):

(1) CARL D. PRICE. (3) \_\_\_\_\_.  
 (2) Jennifer Gruber (Reg. No. - 42601). (4) \_\_\_\_\_.

Date of Interview: 14 January 2004.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: na.

Claim(s) discussed: proposed new claims 26-28 (facsimile transmitted to the examiner on 01-07-2004).

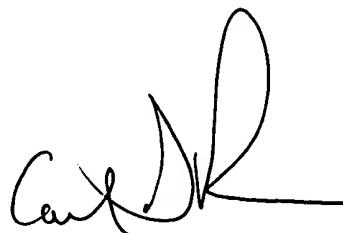
Identification of prior art discussed: none.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The differences between the scope of previously allowed claim 15 and new claim 26 were noted. No agreement was reached. Applicant indicated that a formal amendment would be submitted for review by the examiner.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**Carl D. Price**  
**Primary Examiner**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Coleman, et al.

Confirmation No.: 3879

Serial No.: 09/927,106

Group Art Unit: 3749

Filed: 08/10/2001

Examiner: Carl D. Price

For: **PORTABLE BARBECUE GRILL**

Docket No. 80301.1850

**PROPOSED CLAIM AMENDMENTS**

Examiner Price  
Art Unit 3749  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Examiner Price:

Thank you for your voicemail message on January 7, 2004 in which you agreed to review the attached proposed claim amendments. Following please find proposed newly added claims 26 through 28 in the above-referenced application. Please note that we also propose canceling claims 1 through 25. We appreciate your willingness to review these proposed amendments.

**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper is being transmitted to the above Examiner at the U.S. Patent and Trademark Office, facsimile number 703-746-4963 on January 7, 2004.

Number of pages (including fax cover sheet): 4.

Rhonda Joffred  
Signature

In the Claims:

1 - 25. (canceled)

26. (New) A portable grill apparatus comprising:  
a grill having a hood and a firebox;  
a burner assembly being disposed in said grill, said burner assembly being capable of heating an interior portion of said grill;  
a frame being arranged and configured to substantially correspond to said grill and to receive and support said grill;  
an adjustable leg assembly extending from said frame;  
a side shelf having a substantially planar surface and extending outwardly from said firebox; and  
a fuel aperture disposed in said side shelf, said fuel aperture being arranged and configured to provide access to a fuel source.

27. (New) The apparatus of claim 26, wherein said fuel aperture comprises a recess disposed in an edge of said side shelf

28. (New) The apparatus of claim 26, wherein said side shelf is removably attached to said firebox.

CONCLUSION

The undersigned attorney will follow-up with the Examiner on January 14, 2004. Entry of these proposed amendments would result in claims 26 through 28 remaining pending. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
Jennifer M. Gruber  
Jennifer M. Gruber  
Reg. No. 42,601

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
100 Galleria Parkway N.W.  
Suite 1750  
Atlanta, Georgia 30339  
(770) 933-9500

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# **TKHR**

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

**ATTORNEYS AT LAW**

100 Galleria Parkway, NW  
Suite 1750  
Atlanta, GA 30339-5948  
Telephone: (770) 933-9500  
Facsimile: (770) 951-0933  
[www.tkhr.com](http://www.tkhr.com)

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*Jennifer M. Gruber*  
770-933-9500, ext.230

*jennifer.gruber@tkhr.com*

## **FACSIMILE TRANSMISSION**

January 7, 2004

[80301-1850]

**TO**

Examiner Carl D. Price  
U.S.P.T.O. Art Unit 3749

**FROM**

Jennifer M. Gruber

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**FAX: 703-746-4963**

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**FAX: 770-738-0689**

**TEL: 703-308-1953**

**TEL: 770-933-9500**

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**RE: U.S. Patent Application  
PORTABLE BARBECUE GRILL  
Serial No. 09/927,106; Filed 8/10/2001  
Docket No. 80301-1850**

*Previously  
Filed*

Please see attached.

**Number of Pages (Including This Cover Sheet): - 4 - Page(s)  
PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES.**

### **CONFIDENTIAL**

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◆ Atlanta, Georgia ◆ Huntsville, Alabama ◆